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Application No. UP-666-05

Paradise Tattoo

Application No. UP-666-05 is a request to authorize the establishment of a tattoo parlor within an existing retail center located at 820 Merrimac Trail.

The staff is recommending denial.

Attachments:

1. Staff Report
2. Zoning map
3. Retail Center Sketch Plan
4. Applicant's Sketch Plans (2)
5. Applicant's Justification Statement
6. Email from School Superintendent's Office, May 3, 2005
7. Proposed Resolution No. PC05-22

COUNTY OF YORK

MEMORANDUM

DATE: May 4, 2005 (PC Mtg. 5/11/05)

TO: York County Planning Commission

FROM: Amy M. Parker, Senior Planner

SUBJECT: Application No. UP-666-05, Paradise Tattoo

ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-306 (Category 11, No. 7) of the York County Zoning Ordinance to authorize the establishment of a tattoo parlor within an existing retail center located at 820 Merrimac Trail and further identified as Assessor's Parcel No. 18A-1-32. The property is located on the west side of Merrimac Trail (Route 143), approximately 650 feet north of its intersection with Penniman Road (Route 641).

DESCRIPTION

- Property Owner: Carpenter Enterprises, Ltd. (Applicant is property owner's lessee)
- Location: 820 Merrimac Trail (Route 143)
- Area: Parcel acreage: 33,333 square feet
- Frontage: Approximately 160 feet on Merrimac Trail
- Utilities: Public water and sewer
- Topography: Flat
- 2015 Land Use Map Designation: General Business
- Zoning Classification: GB – General Business
- Existing Development: 5590-square foot retail center
- Surrounding Development:
 - East: Car sales lot, Citgo gasoline station, Magruder Elementary School across Merrimac Trail
 - South: Vacant parcels (future WaWa convenience store)
 - West: Animal Clinic of Williamsburg, Middletowne Farms single-family residential subdivision beyond
 - North: Long John Silvers fast food restaurant
- Proposed Development: Tattoo parlor

CONSIDERATIONS/CONCLUSIONS

1. The proposed 900-square foot tattoo parlor would be located within an existing four-unit retail center that currently contains an insurance office and three vacant units. The facility would include a waiting area, tattoo area, office, bathroom, and storage area.
2. Land uses bordering the site are non-residential in nature (car sales lot, gas stations, fast food restaurant, veterinarian, elementary school). Surrounding zoning is GB - General Business and RC - Resource Conservation (school site). The Comprehensive Plan designates the site for General Business development. The owner is currently renovating the existing retail center. This upgrade is a recent example of improvements that have been made in the Merrimac Trail corridor, including renovations to the Farm Fresh supermarket and James-York Plaza, as well as the County-funded landscaping/sidewalk project extending from Farm Fresh to James-York Plaza scheduled for completion by this autumn.
3. The tattoo parlor is proposed to be located in the central portion of the retail building. Adequate parking and utility facilities exist to service the proposed use. Zoning Ordinance parking standards for a retail center this size require a minimum of 23 spaces (one space per 250 square feet of floor area), and 38 spaces are provided.
4. The existing parking lot is equipped with one area light pole, which may not be adequate to light the front parking lot. As the proposed facility would be open until 10:00 P.M., adequate site lighting would need to be addressed prior to occupancy of the building. A proposed approval condition addresses this issue.

RECOMMENDATION

Staff has concerns regarding the appropriateness of the proposed use in this particular location. The shop would be located across the street from Magruder Elementary School, and the school administration is not supportive of establishment of such a use near an elementary school (see attached email from the County School Superintendent's Office). The site is also near the Tourist Corridor Management (TCM) area, and is located on a principal corridor leading to the Williamsburg historic area. Tattoo parlors are not a use that could be considered "tourist oriented," which are the optimum type of businesses envisioned in the TCM area. This site is in close proximity to both James City County and the City of Williamsburg. Tattoo parlors are not a listed permitted use in either of these jurisdictions' Zoning Ordinances. Therefore, the use would not be allowed under any circumstances within Williamsburg or James City County. For these reasons, staff recommends denial of the proposed special use permit request. This can be achieved through the denial of proposed resolution No. PC05-22.

York County Planning Commission

May 4, 2005

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Attachments

- Zoning Map
- Retail Center Sketch Plan
- Applicant's Floor Plan Sketch
- Applicant's Justification Statement
- Email from School Superintendent's Office dated May 3, 2005
- Proposed Resolution No. PC05-22

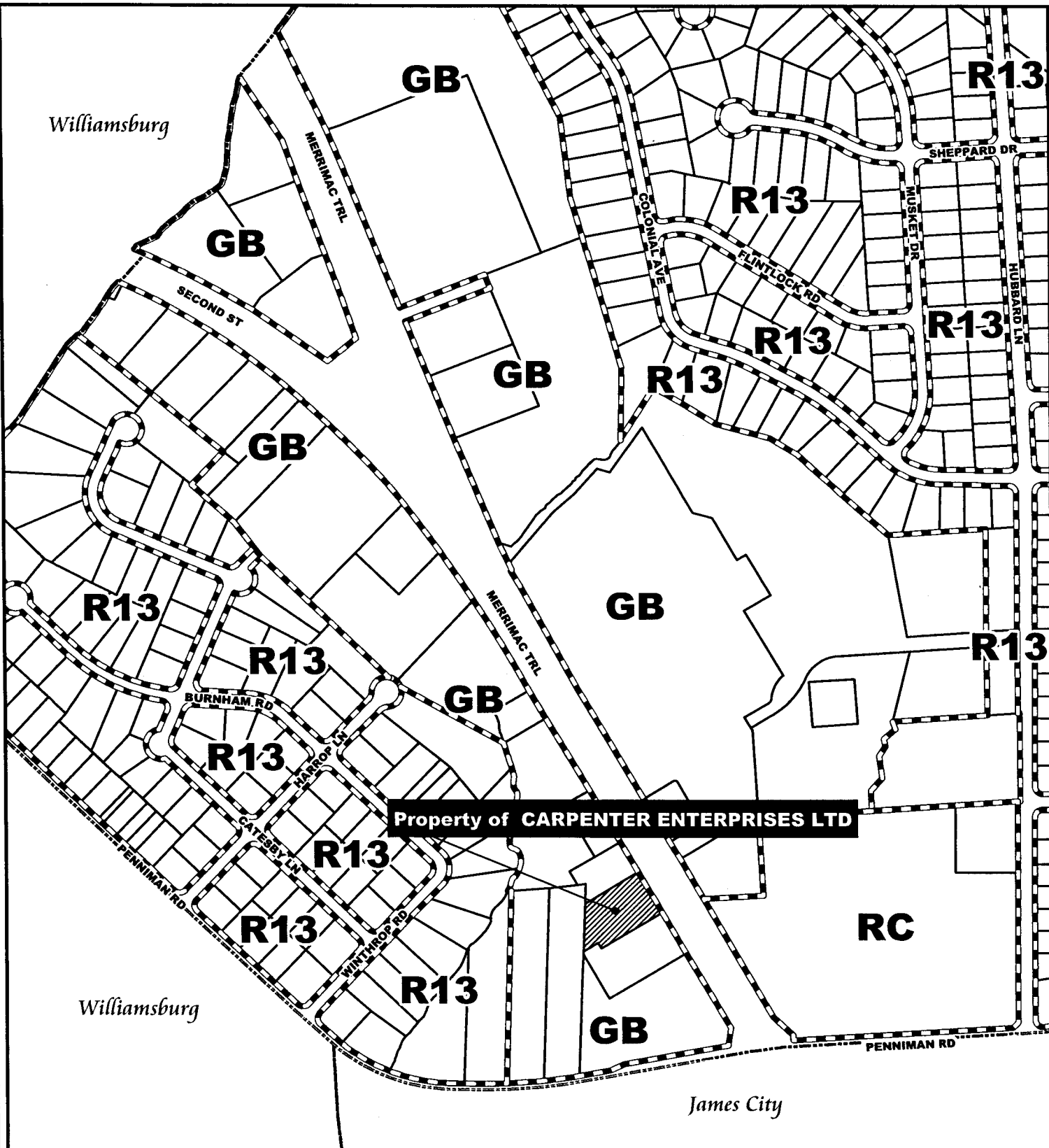
APPLICANT

Paradise Tattoo

Establishment of a 900-square foot tattoo parlor
in an existing retail center
820 MERRIMAC TRL

ZONING MAP

APPLICATION NUMBER: UP-666-05



* = Conditional Zoning

0 225 450 900 Feet

Printed on April 12, 2005



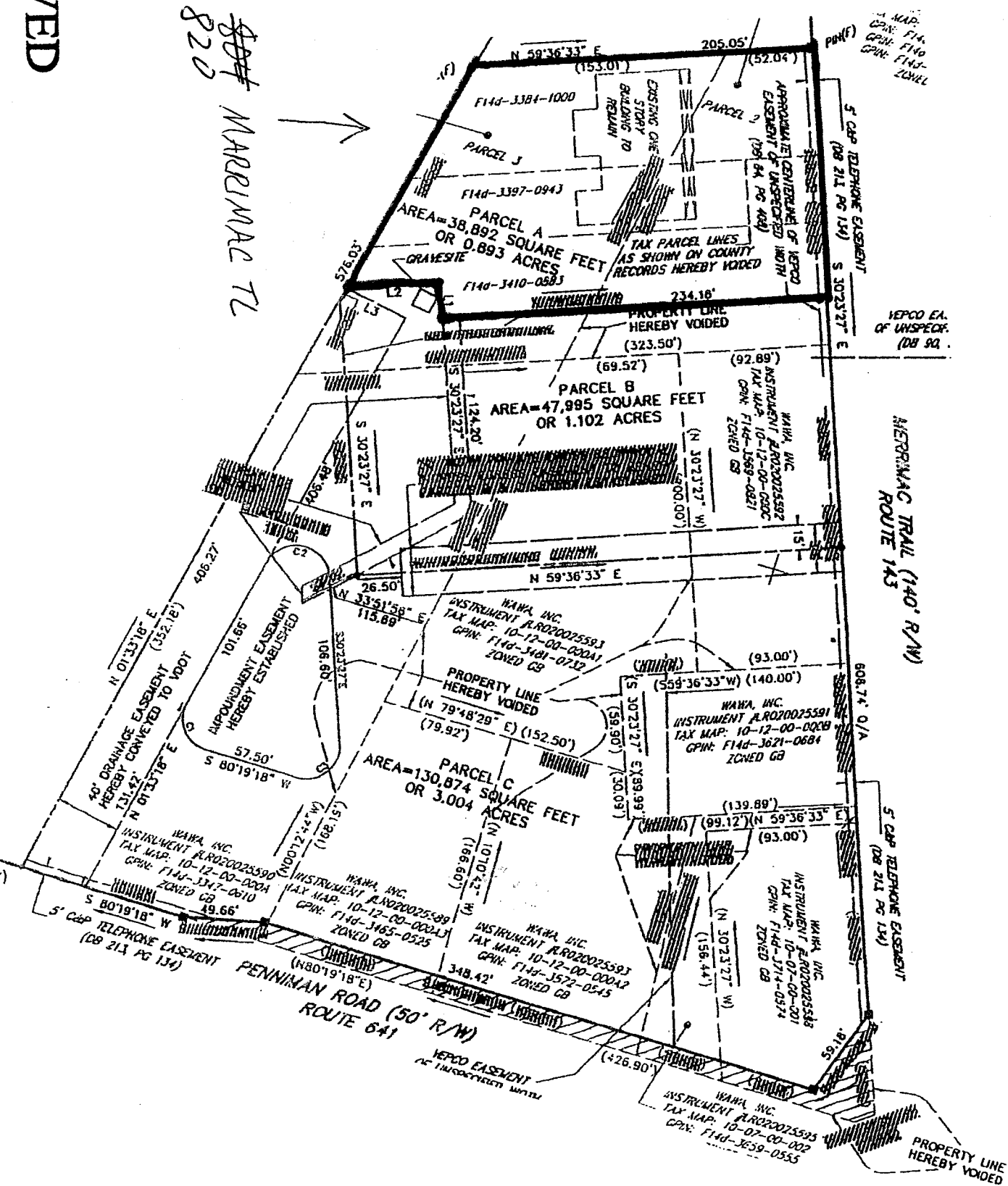
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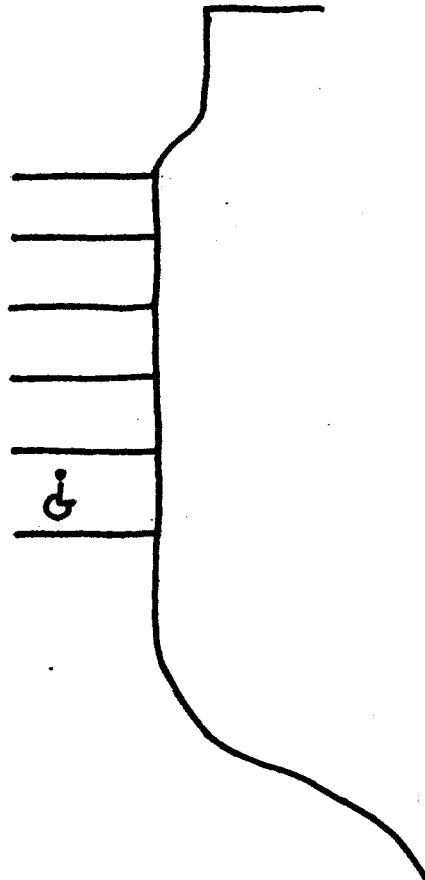
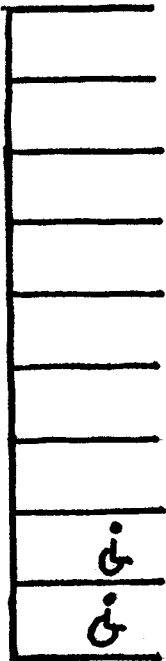
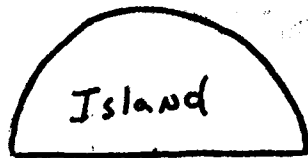
Lr006

SOURCE: YORK COUNTY
GIS PARCEL DATA and
ZONING COVERAGE

THIS IS NOT A LEGAL PLAT.
This map should be used for
information purposes only. It is
not suitable for detailed site planning.

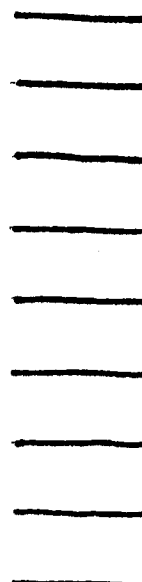
~~820~~ MARIMAC TL





PLAZA

Employee
parking



RECEIVED

MAR 30 2005

PLANNING DIVISION
COUNTY OF YORK

PARADISE
TATTOO

HVAC

STORAGE

BATHROOM

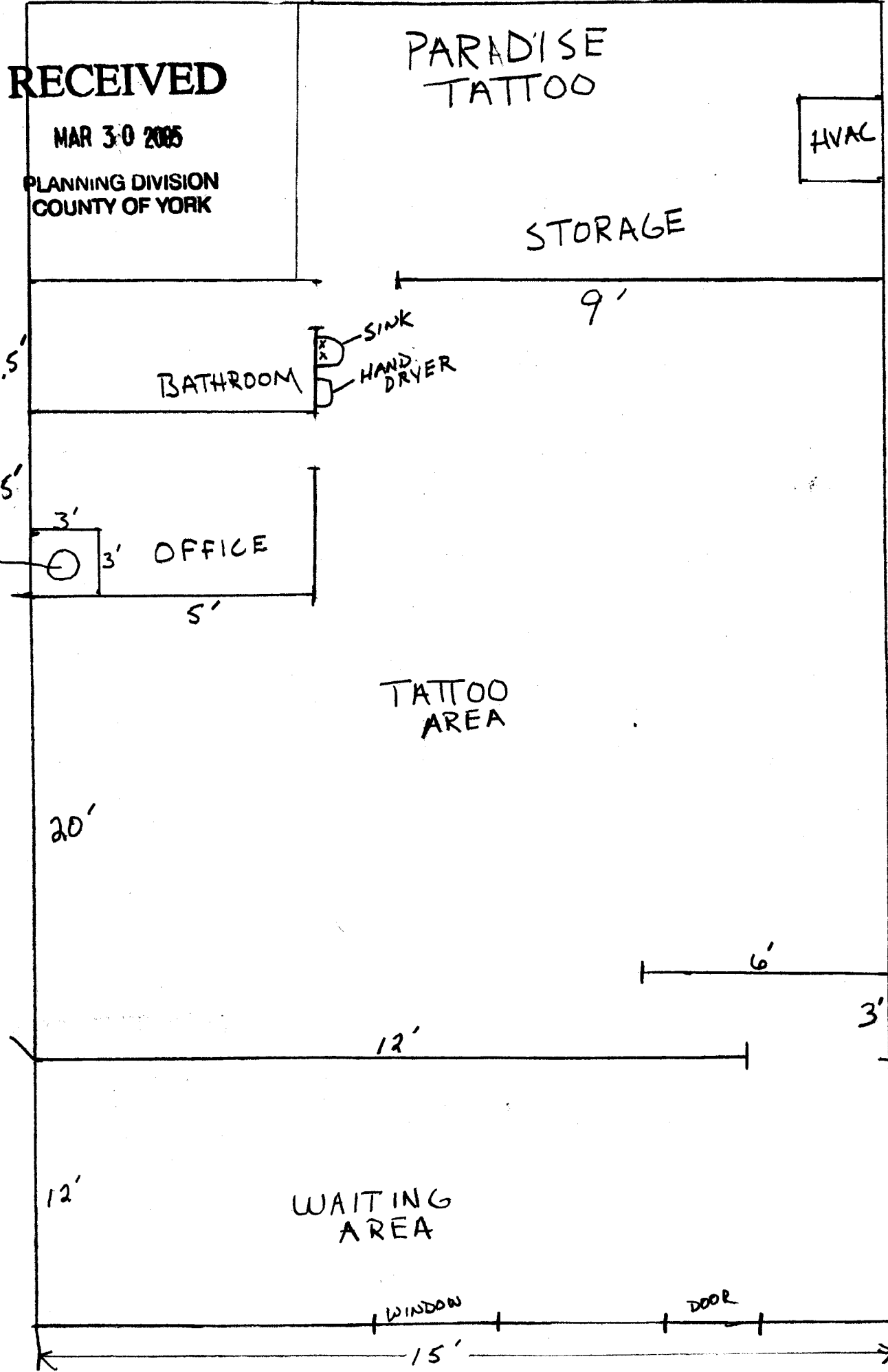
SINK

HAND
DRYER

OFFICE

TATTOO
AREA

WAITING
AREA



March 25, 2005

York County Planning Division / Planning Commission
120 Alexander Hamilton Blvd.
Yorktown, Virginia 23690

To Whom It May Concern:

This application is a request for approval of a special use permit to authorize the establishment of a tattoo parlor within an existing shopping center location. We would like to establish this business at address 820 Merrimac Trail under the name Paradise Tattoo. This property is zoned (GB) General Business and is currently being renovated by the property owner. The surrounding developments include 1 fast food restaurant (Long John Silver), State Farm Insurance, and a check cashing location, which is currently under development. The location we wish to establish is vacant and waiting permit approval. Submitted with this application is a rendition of the proposed layout of the property. This establishment will use public water and sewer.

We have been in contact with the Department of Health and the DPOR and have received all the latest standards for tattoo parlors, which was updated recently for the new legislation that will go into affect within the next few months. Our technicians are already certified for the new guidelines and have many years of experience in the business. Our business hours of operation will be the same as the other parlors in York County, opening at 12:00 noon and closing at 10:00pm Monday-Sunday. We would require only a standard backlit sign on the building and 1 on the property sign pole, in plain writing stating (TATTOO) with no pictures or symbols. There is plenty of parking and the location will meet all zoning requirements.

We are willing to work with all neighbors and patrons with concerns that may arise. We wish to become a solid business in York County and participate in any business matters that may arise now or in the future. For the purpose of patrons and neighbors, our site plan is to have no visibility from the storefront or window of any patron receiving a tattoo. Currently there are two parlors in York County that have been in business for many years and we wish to build a long lasting relationship with the community as well.

In conclusion, operating a safe, clean and fun environment is our goal while bringing revenue from other localities to York County. We would like to thank the commission and board for reviewing our application and we look forward to working with you throughout this process and with future endeavors.

Thank you,

Todd M. Houle, Paradise Tattoo

Scott G. Mitchell, Paradise Tattoo

RECEIVED

MAR 30 2005

Parker, Amy

From: Hixson, Richard [c=US;a= ;p=YCSD;o=SBO;s=Hixson;g=Richard;]
Sent: Tuesday, May 03, 2005 4:58 PM
To: Parker, Amy
Cc: Staples, Steve; Dolak, Gregory; Ahearn, Mary; Overkamp-Smith, Betsy
Subject: Comments on Use Permit Application No. UP-666-05

The subject application was submitted by Paradise Tattoo requesting a use permit to operate a tattoo parlor in an existing small office/retail center located at 820 Merrimac Trail.

This business site is directly across the street from the Magruder Elementary School campus. A heavily used lighted soccer field occupies the campus directly across the street from the location Paradise Tattoo wants to set up shop. The County's recreation programs make comprehensive use of this field after routine school activities conclude on school days.

Although tattoos have become more widely accepted as a fashion accouterment, the tattoo parlor, per se, still retains an aura of seediness. This type of a business directly across the street from the school campus would not contribute to the atmosphere the School Division staff attempts to foster at every school campus.

Given that this business would not have a positive effect on the area in general, the School Division staff cannot endorse the request. Magruder Elementary School would be better served by the Planning Commission denying the use permit request.

PLANNING COMMISSION
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2005:

Present

Vote

Andrew A. Simasek, Chair
Alfred E. Ptasznik, Jr., Vice Chair
Alexander T. Hamilton
John W. Staton
Nicholas F. Barba
Anne C. H. Conner
John R. Davis

On motion of ____, which carried ____, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL
USE PERMIT TO AUTHORIZE A TATTOO PARLOR AT 820
MERRIMAC TRAIL

WHEREAS, Paradise Tattoo has submitted Application No. UP-666-05, which requests a Special Use Permit, pursuant to Section 24.1-306 (Category 12, No. 7) of the York County Zoning Ordinance to authorize a 900-square foot tattoo parlor within the existing retail center located at 820 Merrimac Trail (Route 143) and further identified as Assessor's Parcel No. 10-7-A; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the ____ day of ____, 2005 the Application No. UP-666-05 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a 900-square foot tattoo parlor in the

existing retail center located at 820 Merrimac Trail (Route 143) and further identified as Assessor's Parcel No. 18A-1-32 (GPIN No. F14d-3399-0957); subject to the following conditions:

1. This use permit shall authorize a 900-square foot tattoo parlor located in the existing retail center at 820 Merrimac Trail (Route 143) and further identified as Assessor's Parcel No. 18A-1-32.
2. The subject facility shall be established in substantial conformance with the floor plan submitted by the applicant and received by the Planning Division on March 30, 2005.
3. Any signage associated with the use shall be installed in compliance with all applicable requirements of the Zoning Ordinance.
4. Prior to issuance of a Certificate of Occupancy for the proposed use, a detailed parking tabulation for the retail center shall be submitted to and approved by the Department of Environmental and Development Services. The tabulation shall take into account all current uses as well as the proposed use with their corresponding parking requirements.
5. In accordance with Section 24.1-607(d)(8), lighting shall be installed as needed to adequately illuminate the existing parking lot prior to issuance of a Certificate of Occupancy. An illumination study, to include manufacturer's specifications, shall be submitted for review and approval by the Environmental and Development Services Plan Approving Agent which demonstrates illumination levels no more than 0.5 foot-candles at any property line. All lighting fixtures shall be equipped with full cutoff, shielded luminaries in accordance with Illumination Engineering Society of North America recommendations, and shall be installed with flat lenses angled level to the ground.
6. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval or issuance of a Certificate of Occupancy, whichever occurs first.